

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

- v. -

DAVID EDUARDO HELMUT MURCIA GUZMAN,

Defendant.

STIPULATION AND ORDER

S1 09 Cr. 110 (WHP)  
USDC SDNY  
DOCUMENT  
ELECTRONICALLY FILED  
DOC #:  
DATE FILED: 3/23/12

WHEREAS, on March 17, 2009, DAVID EDUARDO HELMUT MURCIA GUZMAN (the "Defendant"), was charged in a one-count Superseding Indictment, S1 09 Cr. 110 (WHP) (the "Indictment"), with conspiring to commit money laundering, in violation of Title 18, United States Code, Section 1956;

WHEREAS, the Indictment included a forfeiture allegation seeking, pursuant to Title 18, United States Code, Section 982, all property, real and personal, involved in the money laundering offense and all property traceable to such property, including but not limited to the following:

a. The real property located at 175 SW 7<sup>th</sup> Street, #1810, Miami, Florida 33130 (the "Subject Property");

WHEREAS, on or about November 23, 2010, the Defendant pled guilty to the Indictment pursuant to a plea agreement with the Government;

WHEREAS, under the terms of the plea agreement, the Defendant admitted the forfeiture allegation and agreed to forfeit to the United States, pursuant to Title 18, United States

Code, Section 982: (i) a sum of money equal to \$20,000,000 in United States currency, representing all property, real and personal, involved in the money laundering offense and all property traceable to such property; and (ii) all right, title and interest in, among other things, the Subject Property;

WHEREAS, on or about November 29, 2010, the Court entered a Consent Order of Forfeiture as to Specific Properties (the "Consent Order of Forfeiture") which (1) imposed a money judgment against the Defendant, in the amount of \$7,000,000 in United States currency, representing all property, real and personal, involved in the money laundering offense and all property traceable to such property, and (2) ordered the forfeiture to the United States of all of his right, title and interest in, among other things, the Subject Property;

WHEREAS, on or about March 23, 2009, the United States filed a Lis Pendens on the Subject Property;

WHEREAS, on or about September 21, 2011, the Subject Property was sold to Segal Properties, LLC ("Segal Properties"), pursuant to a tax deed sale conducted by the Miami-Dade County Clerk's Office;

WHEREAS, based upon the amount paid by Segal Properties for the Subject Property at the tax deed sale, a surplus was realized and is currently being held by the Miami-Dade County Clerk's Office (the "Net Proceeds");

IT IS HEREBY STIPULATED, ORDERED AND AGREED, by and between the United States Attorney's Office for the Southern District of New York, Preet Bharara, United States Attorney by and through Assistant United States Attorney Michael D. Lockard, and Segal Properties, LLC, and their attorney, Derek R. Griffith, Esq., that:

1. The United States shall extinguish the Lis Pendens filed on the Subject Property.

2. Segal Properties shall not file a claim and/or petition for the Net Proceeds.

3. Segal Properties is hereby barred from asserting, or assisting others in asserting, any claim against the United States (including but not limited to the Department of Justice ("DOJ"), the United States Attorney's Office for the Southern District of New York ("SDNY-USAO"), and the Drug Enforcement Administration ("DEA")), and any agents and employees of the United States, in connection with or arising out of the seizure, restraint, and/or constructive possession of the Subject Property, including, but not limited to, any claim that there was no probable cause to seize the Subject Property, that Segal Properties is a prevailing party, or that Segal Properties is entitled to attorney's fees or any award of interest.

4. Segal Properties represents that it has purchased the Subject Property at a tax deed sale conducted by the Miami-Dade County Clerk's Office and agrees to hold harmless the United

States (including but not limited to the DOJ, the SDNY-USAO, and the DEA), and any agents and employees of the United States, from any and all claims in connection with or arising out of the seizure, restraint, and/or constructive possession of the Subject Property, including but not limited to any third-party claims of ownership of the Subject Property.

5. This Stipulation may be executed in counterparts, each of which shall be deemed an original, and all of which, when taken together, shall be deemed the complete Stipulation and Order. Fax or PDF copies shall be treated as originals.

6. The individual(s) signing this Stipulation and Order on behalf of Segal Properties represent and warrant that they are authorized by Segal Properties to execute this Stipulation and Order.

7. The Court shall have exclusive jurisdiction over the interpretation and enforcement of this Stipulation and Order.

8. This Stipulation and Order constitutes the complete agreement between the parties hereto and may not be amended except by written consent thereof.

9. The Clerk of the Court shall forward four certified copies of this Order to Assistant United States Attorney Michael D. Lockard, One St. Andrew's Plaza, New York, New York 10007.

Agreed and consented to:

PREET BHARARA  
United States Attorney for the  
Southern District of New York  
Attorney for Plaintiff

By: \_\_\_\_\_  
MICHAEL D. LOCKARD  
Assistant United States Attorney  
One St. Andrew's Plaza  
New York, New York 10007  
Tel. (212) 637-2193

\_\_\_\_\_  
DATE

SEGAL PROPERTIES, LLC

By: Segal Properties, LLC  
SEGAL PROPERTIES, LLC

MAR 1 2012  
DATE

By: Derek R. Griffith, Esq.  
DEREK R. GRIFFITH, ESQ.  
Attorney for Segal Properties, LLC  
The Griffith Law Firm, P.A.  
2655 S. Le Jeune Road, Suite 511  
Coral Gables, Florida 33134  
Tel. (305) 779-4828

3/1/12  
DATE

SO ORDERED:

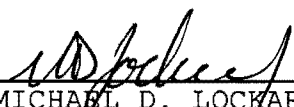
\_\_\_\_\_  
HONORABLE WILLIAM H. PAULEY III  
UNITED STATES DISTRICT JUDGE

\_\_\_\_\_  
DATE

9. The Clerk of the Court shall forward four certified copies of this Order to Assistant United States Attorney Michael D. Lockard, One St. Andrew's Plaza, New York, New York 10007.

Agreed and consented to:

PREET BHARARA  
United States Attorney for the  
Southern District of New York  
Attorney for Plaintiff

By:   
MICHAEL D. LOCKARD  
Assistant United States Attorney  
One St. Andrew's Plaza  
New York, New York 10007  
Tel. (212) 637-2193

March 8, 2012  
DATE

SEGAL PROPERTIES, LLC


By: \_\_\_\_\_  
SEGAL PROPERTIES, LLC

\_\_\_\_\_  
DATE

By: \_\_\_\_\_  
DEREK R. GRIFFITH, ESQ.  
Attorney for Segal Properties, LLC  
The Griffith Law Firm, P.A.  
2655 S. Le Jeune Road, Suite 511  
Coral Gables, Florida 33134  
Tel. (305) 779-4828

\_\_\_\_\_  
DATE

SO ORDERED:

  
HONORABLE WILLIAM H. PAULEY III  
UNITED STATES DISTRICT JUDGE

3/23/12  
DATE